HONOURABLE SMT.JUSTICE T.MEENA KUMARI

&

HONOURABLE JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO. 21670 OF 2005

Dated 06-10-2005

Between :

Ch. Prabhakara Rao, son of Samuel, aged 49 years, Assistant Director of Agriculture, Ongole, Prakasam District.

…….Petitioner.

And:

1. The Government of A.P., represented by its Principal Secretary, Food and Agriculture Secretariat, Hyderabad and others.

…….Respondents.

ORDER : (Per the Honourable Smt. Justice T. Meena Kumari)

This writ petition has been filed by the writ petitioner against the order passed in O.A. No. 5276 of 2005, on 09-09-2005 by the A.,P. Administrative Tribunal, Hyderabad, by which the O.A. was disposed of with the observations mentioned therein.

The writ petitioner is the applicant and the respondents herein are the respondents before the Tribunal. The parties will be referred to as arrayed before the Tribunal for the sake of convenience.

Originally, the applicant filed an application under Section 19 of the Administrative

Tribunals Act, 1985 in O.A. No. 5276 of 2005 seeking to declare the impugned action of the 2nd respondent in issuing the impugned proceedings Rc. No. Vig. II (1)440/05, dated 10-08-2005 whereunder the applicant has been placed under suspension is arbitrary and illegal. The Tribunal at the admission stage disposed of the O.A. directing the respondents to conclude the disciplinary proceedings initiated against the applicant along with the suspension order within a period of three months from the date of receipt of a copy of the order impugned. It is further directed that if for any reason, the disciplinary proceedings are not concluded within the stipulated period of three months, then the applicant should be re-inducted after the stipulated period of three months, without prejudice to the disciplinary proceedings and the respondents are at liberty to re-induct him as directed above by posting him to some other place, where it will be amicable to him to proceed with his official duties. Aggrieved by the same, the present writ petition has been filed by the writ petitioners.

Heard both sides. We have perused the material available on record.

The facts that remain undisputed, are that the applicant who is working as an Assistant Director of Agriculture at Ongole, Prakasam District, was placed under suspension by the 2nd respondent and a charge memo was also served on him against which he submitted a detailed reply also. At this stage, he approached the tribunal and the tribunal has in turn passed the order under appeal.

In a case of this nature, placing the applicant under suspension, does not amount to any punishment, but it is nothing but a step before initiating any disciplinary proceedings so as to proceed with the same without the interference of the delinquent. At this juncture, We feel that a mere direction to conclude the enquiry within the stipulated period, does not amount to cause any prejudice for conducting the enquiry pending against the applicant and therefore, the order of the tribunal does not warrant any interference by this Court and We see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed, at the admission stage. No costs.

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Justice T. MEENA KUMARI

Date : 06-10-2005

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Justice P. LAKSHMANA REDDY

Dvs/Gurc

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&

HONOURABLE JUSTICE P. LAKSHMANA REDDY

WRIT PETITION NO. 21670 OF 2005

(Order delivered by the Honourable

Smt. Justice T. Meena Kumari)

Dated 06-10-2005